

REMARKS

Upon entry of the amendments in this paper, claims 1-26 will be pending in the above-identified application. No amendments are made herein. No new matter is entered.

It is respectfully submitted that this paper is fully responsive to the Office action mailed on September 29, 2008.

The undersigned counsel thanks Examiners Timothy Rude and Jessica Merlin for the courtesies extended during the personal interview of December 18, 2008. Applicants' separate record of the substance of the interview is incorporated in the remarks below.

Remarks regarding Interview Discussion

During the course of the interview, Supervisor Examiner Rude remarked that his position was that claim 1 as presently drafted is too broad in terms of not providing a measurement wavelength; and therefore, there are §112 problems with claim 1 on the basis that it does not provide for all necessary features for enablement. Further, Supervisor Examiner Rude asserted that the claimed characteristics (*i.e.*, in-plane retardation value having no absorption), is not recited properly as structure and maintained that the claim language to be considered needs to be in means-plus-function language. It was generally agreed that any subsequent Office Action which raises these issues should be designated as non-final because these are new grounds for rejection and not necessitated by amendment.

Applicants' Response to the Claim Rejections under 35 U.S.C. §103

Claims 1, 6, 7, 9, 10, 14, 15, 17, 20, 21, 23 and 26 are rejected under 35 U.S.C. §103(a) as being unpatentable over Iba et al. (JP 10-268294A) in view of Kuwabara et al. (U.S. 5,875,014).

In response to the last amendment limiting the thickness of the polarizer to 5 to 40 μm , the current rejection admits that Iba does not disclose this feature and adds Kuwabara as disclosing a thickness within the claimed range. As set forth in the Office Action, the rejection asserts that it would have been obvious for the skilled artisan to utilize the thickness of Kuwabara with the film of Iba because it would provide a film that has “a high wavelength dispersion which in combination with an STN LCD, results in the compensation of the wavelength dispersion of the liquid crystal material, thereby preventing unwanted coloring of the light.” See page 3 of the current Office Action.

The rejection cites to Kuwabara’s description of the retardation (at 546nm) of the film “viewed parallel to the vertical line of the film” being 50nm to 3000nm. See col. 9, lines 55-58. The benefit of Kuwabara’s film is described as being that a specific mixture of polymer with a specific dye results in an optically anisotropic film whose retardation has a high wavelength dispersion and this film is easily obtained without the use of a polymer whose retardation has a high wavelength dispersion. See col. 2, lines 40-45.

As discussed during the interview, the rejection apparently cites to the retardation value at col. 9, lines 55-58 of Kuwabara on the basis that this is an equivalent range to the retardation range calculated in the prior rejection in the October 17, 2007 Office Action relying on Iba.

Hence, the rejection as presented in the Office Action is relying on Iba's disclosure of a Δn from table 2, example 5 of the reference being 0.02. As noted by applicants' undersigned counsel in the course of the interview, the film thickness of Iba's polarizer must be at least 60 μm in thickness to obtain the requisite retardation value (1200 μm by the rejection's calculation). In other words, since there is no basis whereby the thickness of Iba (maintained by the prior rejection as 60 μm) results in the present invention, the present rejection now asserts that it would be obvious to reduce the thickness as taught by Kuwabara. However, as noted during the interview, if the Δn is 0.2 as taught by Iba, the claimed thicknesses of applicants' claim 1 of 5-40 μm cannot result in a retardation range of 950 to 1350 μm . Hence, the combination of Iba and Kuwabara does not result in the claimed invention.

In the course of the interview Examiner Rude asserted that since no wavelength measurement is provided within claim 1, the Examiners are free to choose a wavelength and that at certain lengths, the in-plane retardation values would be met with the thickness provided by Kuwabara. Applicants noted and do herein respectfully submit that the rejection as presented in the Office Action relies upon the Δn values of Iba. There is no indication within the current rejection that the wavelength measurement is altered from that disclosure based on the combination with Kuwabara so as to render claim 1 obvious. Further, there is no reason provided within the rejection presented as to why one of skill in the art would find it obvious to do so in light of the cited references.

Wherefore, applicants respectfully submit that the present invention is not obvious in light of the combination of Iba and Kuwabara and request favourable reconsideration.

Application No.: 10/522,187
Art Unit: 2871

Response under 37 C.F.R. §1.111
Attorney Docket No.: 043168

In view of the accompanying remarks and the discussion of the December 18, 2008 Interview, Applicants submit that the claims, as previously presented, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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